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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,017	04/26/2001	Shoji Suzuki	1081.1117	7053

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WASHINGTON, DC 20005

EXAMINER
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NGUYEN, THOMAS T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 11/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/842,017

Applicant(s)

SUZUKI, SHOJI

Examiner

Thomas T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **FIRST OFFICE ACTION**

### ***Claim Objections***

Claims 5 and 8 are objected to because the word are spaced too closely together, making reading and entry of amendments difficult. Substitute claims with a **space** between words as needed. For example, in claim 5 on page 21, line 3 recites “storagemedium” should change to “storage medium”.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Shiota et al. U.S Patent No. 6,337,712

As per claims 1, 8: Shiota discloses a method of data processing service for a digital camera as follows:

reading photograph image data stored in a memory of user's digital camera;  
preserving the photograph image data in a storage medium accessible by said user  
(abstract).

Regarding claims 2,9, in addition to what is recited in claim 1 or 8 respectively, Shiota discloses the preserving the photograph image data in a storage medium possessed by the user ( “*recorded by a camera and stored in a removable medium/ memory card*”, summary, col.2 lines 33-40, and col.4 lines 3-5, col.6 lines 39-53).

Regarding claims 3 and 10, in addition to what is recited in claim 1, Shiota discloses the preserving step for transferring through a network to a storage medium accessible by said user (abstract, summary, col.2 lines 33-40).

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Regarding claims 4 and 11, in addition to what is recited in claim 1, *Shiota* discloses “means for determining a file name *using the camera code to identify the digital camera used*”(col.3 lines 43-44) “*the file name can be determined by a combination of information such as the type code and the product No. code of a digital camera*” (col.6 lines 17-19); and “*it is also preferable to have several kinds of interface cables 3 and docking stations 4 according to the standards of digital cameras, since the specifications of the interface cable 3 and the docking station 4 vary depending on the types of digital cameras*” (col.5 lines 23-28). Thus, *Shiota* system is inherently discloses the step for reading the photograph image data by identifying a type of the digital camera based on the file name; and recorded in the memory of the digital camera, using a reading method corresponding to the identified type of the digital camera.

Regarding claims 5 and 12, in addition to what is recited in claim 2, *Shiota* discloses the preserving photographed image data is stored in a **user's removable medium** of user inserted into a drive for the storage medium (col.2 lines 64-67 and col.4 lines 19-31).

Regarding claims 6 and 13, in addition to what is recited in claim 1, *Shiota's* system discloses selecting an image data processing service desired by the user (“*a unit permitting selection of an identification code to access a remotely stored digital image*”,

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claim 38); and executing the selected image data processing service, and preserving the processed image data in said storage medium (col.6 lines 14-16).

Regarding claim 7, in addition to what is recited in claim 1 or 8 respectively, *Shiota* discloses “the present invention comprises an image server which stores picture image data, at least one medium reading means which transfers picture, image data, recorded by a digital camera and stored in a removable medium, to the image server by reading the removable medium, and accessing means which enables the picture image data stored in the image server to be accessed and utilized ”(summary col.2 lines 24-33 and lines 34-40). Thus, *Shiota* system inherently processing, executing the step preserving the image in medium possessed by the user; and transferring digital image to a storage medium which can be accessible by the user through a network to a storage medium accessible by the user (col.6 lines 38-53).

Regarding claim 14, contain similar features in scope of claims 6-7. Thus, rejected under similar rationale.

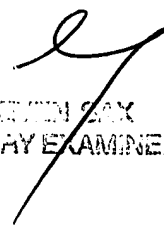
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### Conclusion

Any inquiry concerning this communication or earlier communications should be directed to the Patent Examiner **Thomas Nguyen**, whose telephone number is (703) 308-7240 (Tuesday to Friday 09:00 - 7:30 ET) or *Kristine Kincaid* Supervisory Patent Examiner (703) 308-0640. Other inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900 and Official-Fax number (703) 828-9306. Please label properly on the cover page of facsimile communications.

Thomas T. Nguyen

October 28, 2003

  
STEVEN LAX  
PRIMARY EXAMINER